

REMARKS

Claims 1-58 are presented for examination. No claims are amended, and no claims are cancelled.

The current Office Action, paper 20050302, cites new prior art U.S. Pat. 6,829,587 to Stone et. al. and explains that it is made Final because "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action ... See MPEP § 706.07(a)". Applicants respectfully disagree, and strongly refute the making Final of the present Office Action. Applicants respectfully point out that Applicants' Response A, filed November 10, 2004, made no amendments to the Claims, and corrected only typographical errors (i.e. corrected mislabeled reference characters) to the Drawing and Specification. Applicants further note that MPEP § 706.07(a) states,

"Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) Where information is submitted in an information disclosure statement during the period set forth in 37 CFR 1.97(c) with a fee, the examiner may use the information submitted, e.g., a printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP § 609 paragraph (B)(2). Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. Where information is submitted in a reply to a requirement under 37 CFR 1.105, the examiner may NOT make the next Office action relying on that art final unless all instances of the application of such art are necessitated by amendment.

A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which

should reasonably have been expected to be claimed. See **MPEP § 904 et seq.** For example, one would reasonably expect that a rejection under **35 U.S.C. 112** for the reason of incompleteness would be replied to by an amendment supplying the omitted element...."

Applicants respectfully put forth that since no amendment to the claims were previously made and no new IDS was submitted, at least the new grounds of rejection (i.e. Stone et. al.) was not necessitated by any amendment to the claims. Therefore, the making Final of the present Office Action is improper. Applicants respectfully request the Final rejection of the present Office Action be withdrawn, and Applicants be permitted the opportunity to more freely respond to the new grounds for rejection.

The Current Office Action also explains that "Applicants arguments filed on 15 - November - 2004 with respect to the rejected claims in view of the cited reference have been fully considered but they are not found persuasive." Specifically the Office Action asserts,

" In response to applicants' arguments that "Bretschneider et al., do not teach or suggest maintaining a database of user-created, executable presentation file ", the arguments have been fully considered but are not deemed persuasive, because Bretschneider et al. teaches a database that store all information related with the presentation (see Bretschneider et al., column 6, lines 39-62)".

Applicants respectfully point out that Bretschneider et al., column 6, lines 39-62 describes the operation of PP central Update Module 218, Local PP Central Slide Presentation 214 and System Registry 220, all of which reside locally on a local machine, and not on a network server, as is required by the present invention. Furthermore, elements 214, 218, and 220 do not store "all information related with the presentation", as is asserted by the Office Action. Rather, Bretschneider et al. explain that a presentation created by a user of the local program 202 is stored locally as Slide Presentation 210. If the user accesses help files or pre-packaged stencil slides, picture data, audio data, etc., then that information is kept in Local PP Central Slide Presentation 214. Thus, it is clear that in column 6, lines 39-62, Bretschneider et al. is referring only to the program's operation (202/218), its access to the operating system's (i.e Win95)

registry information (220), and to the programs prepackaged help files (214) that are kept locally on the user's local machine.

As was explained in the previous Response A, filed November 10, 2004, Bretschneider et al. do not teach or suggest a network server that maintains user-created and editable presentation files, nor does it keep a database of user ID's to control access to user-created presentation files. Rather, Bretschneider et al. merely explains that often times a software maker may add/change help files, stencil files, data files, etc., and explain that one way to assure that a purchases of the software can download the additions/changes is that whenever the user accesses a help file, or stencil, or data file, the software checks the date of the last time the help file, or stencil, or data file was updated. If more than 90 days have lapsed, the user is presented with the opportunity to contact the software maker's network server (222 Fig. 2) over the internet 52 to check for software updates. The software maker's network server 222 does control the creation, edition, or access of user-created presentation files 210 that are stored on the user's own machine, and not on the network server 222.

The Office Action also asserts that,

" In response to applicants' arguments that "Bretschneider et al. does not teach or suggest that a user submit user identification information", the arguments have been fully considered but are not deemed persuasive, because Skinner. teaches "In a preferred embodiment, the user accesses a Web site over the Internet by directing a browser in a terminal device to the universal resource locator (URL) of the Web site. Accessing the Web site may also include providing user identification and security information." (see Skinner., paragraph 43).

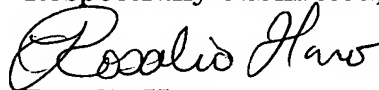
Applicants respectfully point out that when a network data packet is sent over a network (i.e. internet), the URL is the address identifier of the target machine on the network. It is true that the transmitted data packet will also include a network address of the source machine from which the packet originated. This is how the target machine (identified by the URL) knows where to sent its response. However, the network address is machine address: it does not have any information regarding the user of the machine. That is, contrary to the Office Action's assertion, accessing a web site does not include providing any user

identification and security information, especially as taught by Skinner, which is silent of the topic.

Furthermore, in regards to paragraph 7, contrary to the Office Action's assertion, Skinner teach a network server that responds to "the user-identification information identifying a target user within the user-database of registered users by granting the user access device the file access permissions associated with the target user, and accepting purchase orders for only those presentation files whose purchasable-file group associates the target user" . Rather, Skinner is quite clear that his system maintains only product/service information.

This Response After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. §1.116. Accordingly, entry of this Response After Final Rejection, as an earnest attempt to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he/she is respectfully requested to contact applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Respectfully submitted,



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